

STATE OF INDIANA **FILED**  
) SS:  
COUNTY OF WAYNE NOV 05 2003

IN THE WAYNE SUPERIOR COURT III

CAUSE NO. 89D03-0311-CM-1838

STATE OF INDIANA

*Debrae Louer*  
Clerk, Wayne Superior Court

INFORMATION FOR: BATTERY, I.C.

vs. )

*William Stout*)

35-42-2-1(a)(1)(A), CLASS A MISDEMEANOR  
(BODILY INJURY)

*Don Moore*, affirms that on or about Nov 1<sup>st</sup>, 2003,  
in Wayne County, State of Indiana, William Stout, did then  
and there knowingly or intentionally touch C [REDACTED] C [REDACTED]  
in a rude, insolent or angry manner, to-wit: Picking Victim up by neck  
Choking against wall - Placing in a headlock  
  
resulting in bodily injury to neck, to-wit: Pain  
and redness

contrary to Indiana law.

I affirm under the penalties for perjury, as specified in I.C. 35-34-1-2.4, that the foregoing  
representations are true, this 5<sup>th</sup> day of Nov, 2003.

*Don Moore*

*David A. K.*

Attorney for State of Indiana, Atty#  
17<sup>th</sup> Judicial Circuit  
Suite 100, Courthouse  
Richmond, Indiana 47374  
(765) 973-9394

IN THE WAYNE SUPERIOR COURT III

FILED

CAUSE NO. 89D03-0311-CM-1838

NOV 05 2003

Suzanne Lourie  
Clerk, Wayne Superior Court

**AFFIDAVIT OF PROBABLE CAUSE  
FOR BATTERY**

John M Moore, under pains and penalty of perjury states:  
C [REDACTED] C [REDACTED] observed: William Start  
knowingly or intentionally touch C [REDACTED] C [REDACTED] in a rude,  
insolent or angry manner, namely, picking up by neck - choking  
Victim - placing him in a head lock.  
at 3801 E Maui St on November 1<sup>st</sup>, 2007  
contrary to Indiana law.

I affirm under the penalties for perjury, as specified in I.C. 35-34-1-2.4, that the foregoing representations are true. Attached hereto is a document containing additional facts about this incident. I further affirm under the penalties for perjury, as specified in I.C. 35-34-1-2.4, that those representations are true, this 5<sup>th</sup> day of Nov, 2007. (Please attach witness statement or police report).

Further I affirm the battery committed by Willard Start was not an act of self defense and was without justification, contrary to Indiana law.

David Moore

James A. K.

Attorney for State of

Attorneys for State of Florida  
17th Judicial Circuit

1717 Main Street, Suite 100, Courthouse

Box 100, Southport,  
Richmond, Indiana 47374

Technique, Inc.  
(765) 973-9394

# RICHMOND POLICE DEPARTMENT

## Incident Narrative Report

ON NOVEMBER 1ST 2003 OFFICERS MOORE AND CHILCOATE WERE DISPATCHED TO RICHMOND SQUARE MALL IN REFERENCE TO A BATTERY THAT HAD OCCURRED WHERE THE SUBJECT WAS BEING RESTRAINED. UPON OFFICERS ARRIVAL WE FOUND A LARGE GROUP OF PEOPLE STANDING OUTSIDE OF GARFIELD'S RESTAURANT WITH TWO EMPLOYEES OF MALL SECURITY. OFFICERS OBSERVED NO ONE BEING RESTRAINED AT THE TIME OF ARRIVAL. OFFICERS STOOD THERE FOR SOMETIME BEFORE ANYONE SPOKE. FINALLY A BLK FEMALE LATER IDENTIFIED AS DEBRA STOUT BEGAN TO SPEAK. MS STOUT STATED THEY HAD TAKEN A CHILD IN AFTER HIS FAMILY ABANDONED HIM. THEY (HER FAMILY) HAD COME TO THE MALL TO SHOP TODAY AND THIS CHILD HAD BEEN DISRESPECTFUL TO HER HUSBAND. MS STOUT STATED THE CHILD BECAME OUT OF CONTROL AND HAD TO BE RESTRAINED. THE CHILD CAME THEN FROM AN UNKNOWN LOCATION WITH A GROUP OF OTHER MALE SUBJECTS. THEY ADVISED HIM TO TELL OFFICERS WHAT HAPPENED. THE CHILD IDENTIFIED TO BE C [REDACTED] C [REDACTED] STATED HE AND HIS FAMILY HAD BEEN INSIDE A STORE AT THE MALL, WHEN HIS ADOPTIVE FATHER, LATER IDENTIFIED AS WILLIAM STOUT, PICKED UP A SHOE PRODUCT AND BEGAN COMBING HIS HAIR WITH THE BRUSH THAT WAS AT THE END OF THE CAN. C [REDACTED] STATED HE TOLD "BILL" THAT IT WAS WRONG FOR HIM TO DO THAT AND HE SHOULD PAY FOR IT. C [REDACTED] ADVISED OFFICERS WILLIAM WAS UPSET BY THIS AND AFTER C [REDACTED] CONTINUED TO TELL HIM HE SHOULD BUY IT, BILL TOLD HIM TO LEAVE THE STORE AND GO OUTSIDE. C [REDACTED] DID THIS AS DIRECTED BUT CONTINUED TO TELL BILL THAT HE SHOULD BUY THE CAN OF CLEANER SINCE HE HAD PLACED IT IN HIS HAIR. ONCE OUTSIDE THE STORE C [REDACTED] ADVISED BILL WENT TO GRAB HIS ARM AND HE PULLED AWAY FROM HIM. ACCORDING TO C [REDACTED] THIS MADE BILL ANGRY SO HE GRABBED C [REDACTED] BY THE NECK AND PUSHED HIM AGAINST THE WALL AND HELD HIM THERE. C [REDACTED] STATED HE MOVED AROUND ENOUGH AND FINALLY BROKE FREE BUT BILL GRABBED HIM AGAIN AND PUT HIM IN A HEAD LOCK AND HELD HIM THERE UNTIL RIGHT BEFORE OFFICERS ARRIVED ON SCENE. C [REDACTED] STATED HE FOUGHT TO GET AWAY FROM HIM SINCE HE WAS HURTING HIM. OFFICERS SPOKE WITH AN EMPLOYEE OF GARFIELD'S WHO WITNESSED THE INCIDENT. CAIN ADVISED HE OBSERVED THE WHITE MALE PLACE HIS HAND ON THE BLACK MALE'S THROAT AND THROW HIM UP AGAINST THE WALL AND HOLD HIM THERE. HE STATED THE BOY LOOKED AS IF HE COULDN'T BREATH AND WAS FIGHTING TO GET AWAY FROM THE ADULT. HE ADVISED THE BOY THEN BROKE FREE AT WHICH POINT THE ADULT MALE GRABBED THE BOY BY THE HEAD AND PUT HIM IN WHAT HE DESCRIBED AS A HEAD LOCK. THIS BEING HE WRAPPED HIS ARM AROUND THE BOY'S NECK AND HELD HIM THERE. CAIN ADVISED ANOTHER FEMALE WAS STANDING THERE PLEADING WITH THE ADULT MALE TO LET GO OF THE CHILD THAT HE COULDN'T BREATH. BUT THE SUBJECT WOULD NOT LET HIM GO. CAIN ADVISED OFFICERS ARRIVED ONLY AFTER THE MALE SUBJECT HAD LET THE BOY GO. ANOTHER WITNESS INSIDE GARFIELD'S CHRIS FALLON ADVISED HE OVERHEAD SOMEONE SAY THERE WAS A FIGHT GOING ON OUTSIDE, WHEN HE LOOKED OUT HE OBSERVED A GROWN MAN RESTRAINING A YOUNGER MALE SUBJECT AND IT APPEARED TO HE THAT THE YOUNGER MALE COULD NOT GET AWAY FROM THE ADULT. HE OVERHEAD SOMEONE SAY THERE HAD BEEN PUNCHES BUT DID NOT WITNESS THIS

# RICHLAND POLICE DEPARTMENT

## Incident Narrative Report

ACTION.

OTHER WITNESSES INSIDE THE SHOE STORE ADVISED THEY ONLY OBSERVED THE VERBAL ARGUMENT BETWEEN THE TWO SUBJECTS. BOTH AMANDA ROBERTS AND CHRISTINE NOLDEN ADVISED THE BOY HAD TOLD THE ADULT HE SHOULD PAY FOR THE SHOE CLEANER SINCE HE HAD RAN IT THRU HIS HAIR, THEY ADVISED THE ADULT HAD SAID SOMETHING TO THE BOY AND THE BOY LEFT THE STORE WITH THE ADULT FOLLOWING HIM. THEY ADVISED THE BOY HAD NOT BEEN DISRESPECTFUL TO HIM, AND ACTUALLY HAD BEEN VERY NICE AND QUIET WHILE SPEAKING WITH THE ADULT MALE. CHRISTINE ADVISED THEY DID NOT OBSERVE ANY OTHER INCIDENT.

OFFICER MOORE SPOKE WITH MR STOUT ABOUT THE INCIDENT UPON ARRIVAL. HE ADVISED C [REDACTED] HAD BEEN DISRESPECTFUL INSIDE THE MALL AND THEN WALKED AWAY FROM HIM. MR STOUT ADVISED HE RESTRAINED C [REDACTED] TO KEEP FROM LEAVING. WHEN ASKED TO DESCRIBE RESTRAINED, MR STOUT ADVISED HE HELD HIS ARMS. WHEN ASKED IF HE HELD HIM UP AGAINST THE WALL, HE ADVISED HE DIDN'T REMEMBER DOING THIS. MR STOUT ADVISED OFFICER MOORE THAT HE HAD THE RIGHT TO RESTRAIN C [REDACTED] SINCE HE WAS HIS CHILD. OFFICER MOORE CHECKED FURTHER INTO THE RELATIONSHIP BETWEEN C [REDACTED] AND STOUT AND FOUND THAT THE STOUTS ARE ONLY GUARDIANS TO C [REDACTED]. THERE HAS BEEN NO ADOPTION AS ADVISED BY BOTH WILLIAM AND DEBRA STOUT. BOTH ADVISED OFFICERS C [REDACTED] HAD BEEN ADOPTED BECAUSE NO ONE WANTED HIM AND THAT C [REDACTED] WAS "DEAD". WHEN I ASKED STOUT TO ADVISE WHAT HE MEANT BY DEAD, HE STATED, "NOT PHYSICALLY, BUT SPIRITUALLY." THIS WAS SAID IN FRONT OF C [REDACTED]. DEBRA ALSO STATED THEY WERE DONE WITH HIM AND THAT WILLIAM HAD PUT HIS LIFE ON THE LINE FOR THIS CHILD AND THEIR MARRIAGE WAS SUFFERING DUE TO HIS BEHAVIOR. THESE STATEMENTS WERE ALSO MADE IN FRONT OF C [REDACTED]. OFFICERS TOOK C [REDACTED] AWAY SO WE COULD SPEAK TO HIM IN PRIVATE. HE FELT BADLY FOR WHAT HAD OCCURRED BUT FELT BILL WAS WRONG FOR WHAT HE DID AND HE WAS JUST TELLING HIM THAT WHEN HE GOT MAD ABOUT IT. C [REDACTED] DID NOT WANT HIM ARRESTED AND WAS VERY UPSET WHEN THE DECISION WAS MADE TO TAKE HIM INTO PROTECTIVE CUSTODY AND TO ARREST STOUT FOR BATTERY. WHILE SPEAKING WITH C [REDACTED], STOUT CAME TO THE LOCATION OF WHERE C [REDACTED] OFFICERS WERE STANDING. HE ADVISED HE WANTED TO SPEAK WITH C [REDACTED] ALONE. I ADVISED HIM THIS WAS NOT POSSIBLE AND THAT HE NEEDED TO STEP OVER TO HIS ORIGINAL LOCATION. HE MOVED TWO STEPS AWAY SO THAT HE WAS STILL WITHIN LISTENING DISTANCE. CAPT COX THEN ADVISED HIM HE NEEDED TO MOVE AWAY UNTIL WE WERE COMPLETE WITH OUT INVESTIGATION. HE BECAME BELLIGERENT WITH CAPT COX AND WANTED TO KNOW IF HE WAS GOING TO BE ARRESTED. WE EXPLAINED TO HIM THAT WE DID NOT HAVE ALL THE INFORMATION YET AND THAT DECISION HAD NOT BEEN MADE. HE THEN ADVISED OFFICER MOORE THAT OFFICERS NEEDED TO HURRY AND THAT HE WAS GOING TO LEAVE. OFFICERS ALONG WITH CAPT COX THEN MADE THE DECISION WITH THE INFORMATION WE HAD GATHERED THAT STOUT WAS GOING TO BE ARRESTED FOR BATTERY. DUE TO THE CHILD'S AGE AND THE AGGRAVATION WE CHARGED STOUT WITH A D FELONY.

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C [REDACTED] WAS TAKEN INTO PROTECTIVE CUSTODY WITH CHILD PROTECTION BEING NOTIFIED ON THE DECISION. HE WAS THEN TRANSPORTED TO MARY E HILL UNTIL A DETENTION HEARING IS SET. STOUT WAS PLACED IN HANDCUFFS AND TRANSPORTED TO HEADQUARTERS FOR PHOTOGRAPH AND THEN LODGED IN WAYNE COUNTY JAIL FOR BATTERY D FELONY. CONTACT WAS MADE WITH WITNESSES AND ARRANGEMENTS MADE FOR ALL TO COME IN FOR TAPED STATEMENTS ON SUNDAY NOVEMBER 2ND.